

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

RONALD B. MANNING, Relator,	§
for THE UNITED STATES	§
DEPARTMENT OF THE INTERIOR,	§
(TDCJ-CID #1332683)	§
	§
Plaintiff,	§
	§
vs.	§ CIVIL ACTION H-08-2896
	§
POGO PRODUCING COMPANY,	§
	§
Defendant.	§

ORDER GRANTING MOTION TO WITHDRAW AND SETTING DEADLINE

Ronald B. Manning filed this action under the False Claims Act, 31 U.S.C. § 3729. The plaintiff is an inmate incarcerated in the Texas Department of Criminal Justice - Correctional Institutions Division (TDCJ-CID). Michael Steven Porter has filed a motion to withdraw as counsel. (Docket Entry No. 7). Porter asserts that he agreed to represent the plaintiff only if the United States intervened. The United States has conducted its investigation and declined to intervene, and Porter accordingly moves to withdraw.

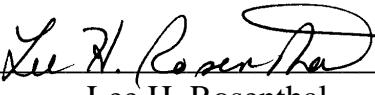
A *pro se* litigant may not prosecute a False Claims Act suit. *See Stoner v. Santa Clara County Office of Educ.*, 502 F.3d 1116, 1126-1128 (9th Cir.2007); *United States ex rel. Lu v. Ou*, 368 F.3d 773, 775-76 (7th Cir.2004); *Timson v. Sampson*, 518 F.3d 870, 872-874 (11th Cir.2008); *U.S. ex rel. Mergent Services v. Flaherty*, 540 F.3d 89, 92-94 (2d Cir.2008); *see also Safir v. Blackwell*, 579 F.2d 742, 745 n. 4 (2d Cir.1978); *United States v. Onan*, 190

F.2d 1, 6 (8th Cir.1951).

Porter may not proceed *pro se* in this action.

The motion to withdraw is granted. The relator has until January 5, 2009, to have new counsel file an appearance. If that does not occur, this action will be dismissed.

SIGNED on November 12, 2008, at Houston, Texas.



Lee H. Rosenthal
United States District Judge